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10/820,394	04/08/2004	Stefan Boss	LBP-PT037	8453

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EXAMINER

ALIE, GHASSEM

ART UNIT PAPER NUMBER

3724

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/820,394

Applicant(s)

BOSS ET AL.

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on the filing date of the application.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08/09/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

*Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the forward saw blade guide and the rearward saw blade guide each with a plurality of interchangeable plates having different spacings between the contact surfaces and the drive shaft as set forth in claims 3 and 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "19", paragraph 39, line 1 in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in

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the next Office action. The objection to the drawings will not be held in abeyance.

not be held in abeyance.

### *Specification*

3. The specification is objected to under 37 CFR 1.71 because it fails to teach that the forward saw blade guide and the rearward saw blade guide each is selectable from a plurality of interchangeable plates having different spacings between the contact surfaces and the drive shaft. It is not clear how a radial distance between the contact surfaces of the saw blades guides and the drive shaft is adjustable while the radial distance between the guides and the drive shaft is fixed, since the guides are selected from a plurality of interchangeable plates that have a fixed thickness. It appears that interchangeable guides belongs to the Species I (Figs. 1-2) which does not have means for adjusting the distance between the guides and the drive shaft. The adjustability of the radial distance between the guides and the drive shaft is possible by screw retaining device 10 which is part of the Species II. See Figs. 3-7 in the drawings.

4. The disclosure is objected to because of the following informalities: "the contact surfaces 8" should be --the contact surfaces 6--. See paragraph 38, line 2 in the specification. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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6. Claims 3 and 4 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claims 4 and 5, the disclosure fails to teach that each one of the forward saw blade guide and the rearward saw blade guide is selectable from a plurality of interchangeable plates having different spacings between the contact surfaces and the drive shaft. It is not clear how a radial distance between the contact surfaces of the saw blades guides and the drive shaft is adjustable while the radial distance between the guides and the drive shaft is fixed, since the guides are selected from a plurality of interchangeable plates that have a fixed thickness. It appears that interchangeable guides belongs to the Species I (Figs. 1-2) which does not have means for adjusting the distance between the guides and the drive shaft. The adjustability of the radial distance between the guides and the drive shaft is possible by screw retaining device 10 which is part of the Species II. See Figs. 3-7 in the drawings. The specification fails to teach that circular saw machine of the Species II (Figs. 3-9) which is being claimed, has saw guides that are selected from interchangeable plates.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, "the forward saw blade guide (5) is one of removable from or pivotable away from the saw blade (1), and the saw blade (1) is

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interchangeably mounted;" is confusing. It is not clear where the saw blade is mounted. Is the saw blade interchangeably mounted to the guides or the drive shaft? Regarding claim 1, "the saw blade (1) is movably mounted with the drive shaft (2) for back and forth in a rotation plane of the blade," is also confusing. It is not clear what is the relation between "back and forth" and the rotation plane of the saw blade. Does the saw blade move back and forth in a rotation plane of the blade? If so, how the saw blade is movable back and forth in a rotation plane of the blade? Regarding claim 7, "a pivot axis of the hinge being adjustable by an eccentric mounting" is not clear. It is not clear what encompasses "an eccentric mounting". For example, it is not clear whether the eccentric mounting relates to the fasteners or the pin of the hinge or the member of the hinge which are connected together.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 2, 5, and 6, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (5,497,684). Regarding claim 1, Martin teaches a circular saw machine including a saw blade 20 and a drive shaft 21 for the saw blade and at least one rearward 27 and at least one forward saw blade guide 26 that contact two side surfaces of the saw blade 20. Martin also teaches that saw blade guides 26, 27 respectively have at least one contact surface 33, 34 to be abutted on the respective side surface of the saw blade 20, and for sawing, the saw blade 1 is movably mounted onto the drive shaft 21. The saw blade is

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inherently interchangeable and it is inherently movable back and forth in a rotation plane of the blade. Martin also teaches that forward saw blade is one of removable from or pivotable away from the saw blade 20. The forward saw guide blade 26 pivots away from the saw blade when pivots upwardly as shown in Fig. 5 in Martin. Martin also teaches a radial distance between the contact surfaces 33, 34 of the saw blade guides 26, 27 and the drive shaft 21 is respectively adjustable in predetermined defined positions for matching diameter saw blades. The distance between the saw blade guides and the drive shaft is adjustable by screws 49 which are connected to contact surfaces 33, 34 and screws 55 which are connected to the base 25 of the saw blade guides 26, 27. See Figs. 1-15 and col. 4, lines 16-68 and col. 6, lines 1-67 in Martin.

Regarding claim 2, Martin teaches everything noted above including a distance between the rearward 27 and the forward 26 blade guide is adjustable for matching to different thickness of the saw blade 20. The distance between the saw blade guides 26, 27 are adjustable by screws 49 and screws 49 are capable of adjusting the distance between the saw blade guides 26, 27 according to different thicknesses of the saw blade 20. See col. 6, lines 61-68 and col. 7, lines 19-27 in Martin.

Regarding claim 5, Martin teaches everything noted above including that at least one contact surface 33, 34 of the saw blade guides 26, 27 is installed on a mounting that is pivotable in a direction parallel to a plane of the saw blade 20 on the saw guide 26, 27. The mounting is defined by the upper sections of the saw blade guides 26, 27 which are connected to the pivot pin 28 of the base 25. See Figs. 2 and 5 in Martin.

Regarding claim 6, Martin teaches everything noted above including that the mounting can be fixed at a plurality of predetermined pivot angles A-C. See Fig. 2 in Martin.

10. Claims 1 and 2, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Allen (4,323,145). Regarding claim 1, Allen teaches a circular saw machine including a saw blade 14 and a drive shaft for the saw blade and at least one rearward 1' and at least one forward saw blade guide 1 that contact two side surfaces of the saw blade 14. Allen also teaches that saw blade guides 1, 1' respectively have at least one contact surface 19 to be abutted on the respective side surface of the saw blade 14, and for sawing, the saw blade 14 is movably mounted onto the drive shaft. The saw blade is inherently interchangeable and it is inherently movable back and forth in a rotation plane of the blade. Allen also teaches that forward saw blade 1 is one of removable from or pivotable away from the saw blade 14. The forward saw guide blade 1 pivots away from the saw blade 14 by the supporting tube 2 when the supporting tubes pivot away from the saw by air pressure. See Fig. 1 in Allen. Allen also teaches a radial distance between the contact surfaces 19 of the saw blade guides 1, 1' and the drive shaft is respectively adjustable in predetermined defined positions for matching diameter saw blades. The distance between the saw blade guides and the drive shaft is adjustable by screws 9, 9' which are connected to contact to the tubes 2, 2' and screws 9, 9' inherently capable of being adjusted in predetermined defined positions for matching different diameter saw blades. See Figs. 1-5 and col. 7, lines 36-68 and col. 8, lines 1-68 in Allen.

Regarding claim 2, Allen teaches everything noted above including a distance between the rearward 1' and the forward 1 blade guide is adjustable for matching to different

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thickness of the saw blade 14. The distance between the saw blade guides 1, 1' are adjustable by screws 9, 9' and screws 9, 9' are capable of adjusting the distance between the saw blade guides 1, 1' according to different thicknesses of the saw blade 14. See Figs. 1-5 in Allen.

#### **Allowable Subject Matter**

11. Claims 7-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach that the forward saw blade guide is pivotable away from the saw blade by a hinge and a pivot axis of the hinge being adjustable by an eccentric mounting means in order to set a distance between the rearward and the forward saw blade guides for matching different thicknesses of the blade as set forth in claim 7. Mermelstein (3,661,045) teaches a hinge for pivoting two saw blade guides toward one another or away from one another. However, Mermelstein does not teach that the pivot axis of the hinge being adjustable from the saw blade by an eccentric mounting means in order to set a distance between the rearward and the forward saw blade guides for matching different thicknesses of the saw blade. In addition, it would have not been obvious to a person of ordinary skill in the art to combine Mermelstein's hinge assembly for the saw blade guide with the saw blade guides of Martin or Allen, since these Mermelstein's hinge assembly and Marin's saw blade guides or Allen's saw blade guides have different structures and combination of these two structures would not be possible without hindsight from applicant's disclosure.

***Comment***

12. It is noted that the claims 3, 4 have not been rejected over prior art. However, in view of the issues under 35 U.S.C. 112, first paragraph and second paragraph, the objection to the specification under 37 CFR 1.71, and drawing objections, the allowability of the subject matter of cannot be determined at this time.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McMillan (3,772,956), Kordyban et al. (4,136,590), Kirbach et al. (4,854,207), Prince et al. (2,783,793), Pleau et al. (5,213,020), Stroud (6,230,600) teaches a circular saw machine including saw blade guides.

Dean (2002/0073509) and Chung (6,483,363) teach a hinge being adjustable by an eccentric mounting fastener.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501.

The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9302 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

GA/ga

December 1, 2004

A handwritten signature in black ink, appearing to read 'AS', with a long diagonal stroke extending upwards and to the right.

Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700